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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,633	06/25/2003	Kazuo Nakamura	P23523	1059

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EXAMINER

SANDERS, ALLYSON N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,633

Applicant(s)

NAKAMURA, KAZUO

Examiner

Allyson N Sanders

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 25, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1, 2, 5, 7, 11, and 12 are objected to because of the following informalities:

Appropriate correction is required.

Re claim 1, line 6: replace "at every stage" with --at every stage of processing--.

Re claim 1, lines 6 and 7: replace "said record including" with --said records include--.

Re claim 1, line 7: replace "for identify" with --for identifying--.

Re claim 1, line 9: replace "the time period" with --a time period--.

Re claim 1, line 10: replace "for identify" with --for identifying--.

Re claim 1, lines 21-22: replace "the previous" with --a previous--.

Re claim 2, line 2: replace "the definition" with --a definition--.

Re claim 5, line 2: replace "the contents of the latest target" with --contents of a latest target--.

Re claim 7, line 2: replace "the information" with --information--.

Re claim 11, line 2: replace "the definition" with --a definition--.

Re claim 11, line 7: replace "for identify" with --for identifying--.

Re claim 11, line 10: replace "for identify" with --for identifying--.

Re claim 11, line 9: replace "the time period" with --a time period--.

Re claim 12, line 6: replace "said record including" with --said records include--.

Re claim 12, line 7: replace "for identify" with --for identifying--.

Re claim 12, line 9: replace "the time period" with --a time period--.

Re claim 12, line 10: replace "for identify" with --for identifying--.

3. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE **TWO MONTHS** FROM THE DATE OF THIS LETTER.

Allowable Subject Matter

4. Claims 1-12 would be allowable upon correction of the claim objections.
5. The following is an examiner's statement of reasons for allowance: The best prior art of record, taken alone or in combination, fails to specifically teach or fairly suggest the food product tracing system, which is disclosed in the present claimed invention. Methods of tracking food products and food distribution tracking are known and taught in prior art. However, the prior art taken of record fails to teach the specific and detailed system of food product tracing which are set forth in the claims. The claimed invention discloses a food product tracing system, which traces food products that come from an original product and are distributed along a distribution channel that has many stages at which material is processed to form a product. The tracing system comprises a storage that includes records created for every food product at every stage. The records include information for identifying the first stage at which the food product is processed,

information for specifying the time period of processing at the first stage, information for identifying the second stage at which the food product processed at the first stage is received as material and information for specifying the time period of processing at the second stage. The system also includes a processor that operates according to programs having a first process and a second process. The first process specifies a target record whose first stage information and first time information are coincident with the stage and the time at which the original product is processed. The second process specifies a new target record whose first stage information and first time information are coincident with the second stage information and the second time information of the previous target record, wherein the second process is repeated until a new target record cannot be specified. Moreover, one of ordinary skill would not have been motivated to come to the above claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Thomas et al (2003/000628), Haagensen (6,104,966), Pape et al (2002/015876), Curkendall (6,346,885), Pilger (6,231,435), Robinson (2001/0029996).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.sanders@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2876

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders
Patent Examiner
Art Unit 2876
November 21, 2003

Jared J. Furman
Jared J. Furman
Art Unit 2876